



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER

61 FORSYTH STREET

ATLANTA, GEORGIA 30303-8960

DEC 05 2019

UNITED PARCEL SERVICE

Mr. Vince Miata  
CAC Chemical Americas, LLC  
7 Castle View Court  
Rye Brook, New York 10573

Re: CAC Chemical Americas, LLC  
Notice of Warning for Distribution of a Misbranded Pesticide  
Case File No. FIFRA-04-2020-0701

Dear Mr. Miata:

The U.S. Environmental Protection Agency has obtained evidence indicating that CAC Chemical Americas, LLC (CAC Chemical) appears to be in violation of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

On or about February 28, 2019, C.H. Robinson International, Inc. (C.H. Robinson), the licensed customs broker for CAC Chemical, submitted entry documents, via the U.S. Customs and Border Protection (CBP) Automated Commercial Environment (ACE) system for the importation of one shipment of the pesticide product Chlorothalonil Technical (EPA Reg. No. 92044-1), which contained 80 bags each bag weighing 750 kilograms each. The shipments arrived at the Port of Savannah, Georgia on or about February 27, 2019, under entry number 791-21172634.

On March 13, 2019, C.H. Robinson on behalf of CAC Chemical, submitted entry documents, via the CBP ACE system for the importation of one shipment of the pesticide product Chlorothalonil Technical, which contained 100 bags each bag weighing 750 kilograms each. The shipment arrived at the Port of Memphis, Tennessee on or around March 10, 2019, under entry number 791-22170967.

Upon review of the labels and shipping documents uploaded for each entry, it was found that there were discrepancies in the information provided and the labels appeared to be misbranded. Specifically, the EPA Establishment Number listed in ACE did not match the EPA Establishment Number listed on the labels in Document Image System, and neither of the establishment numbers matched the manufacturer information indicated on any of the documents accompanying the entry. In addition, the labels listed a net weight of kilograms whereas if the pesticide is a solid or semisolid, viscous or pressurized, or is a mixture of liquid and solid, the net content statement should be expressed as avoirdupois pounds and ounces as required by 40 CFR 156.10(d).

Pursuant to Section 12(a)(1)(E) of FIFRA, 7 U.S.C. § 136(j)(1)(E), it is unlawful for any person in any State to distribute or sell to any person any pesticide which is misbranded. In response to the apparent violation of FIFRA, the EPA is issuing this Notice of Warning (NOW) to CAC Chemical pursuant to FIFRA Section 9(c)(3), 7 U.S.C. § 136g(c)(3). The EPA has determined at this time that a Notice of Warning is the appropriate enforcement response for the company's apparent violation of FIFRA,

provided that within 30 days of the receipt of this NOW, an authorized official of CAC Chemical submit a signed statement indicating that compliance with FIFRA has been achieved and identifying the actions taken to achieve compliance with the requirements set forth above and submit photographs of the pesticide product label and labeling that are legible and show the product in compliance with FIFRA. If this statement is not submitted and/or compliance is not achieved, the EPA may initiate a more formal enforcement action which could include the assessment of a civil penalty. Your statement and photographs should be submitted to:

Kimberly Tomczak  
Chemical Safety Section  
Enforcement and Compliance Assurance Division  
U.S. EPA Region 4  
61 Forsyth Street SW  
Atlanta, Georgia 30303

Since your company may be classified as a small business, you may want to review the Information Sheet "U.S. EPA Small Business Resources," which can be found on the internet at: <https://www.epa.gov/sites/production/files/2017-06/documents/smallbusinessinfo.pdf>. This document will provide you with information regarding compliance and rights you may be entitled to under the Small Business Regulatory Enforcement Fairness Act.

If you have any questions about this letter, and/or would like to discuss the above-stated findings by the EPA, or would like a copy of the Information Sheet, please contact Kimberly Tomczak of the EPA Region 4 staff at (404) 562-8962.

Sincerely,



Larry L. Lamberth  
Chief  
Chemical Safety and Land Enforcement Branch